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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,858	07/18/2003	Patrick Bass	1116109-0022	2917
7470	7590	07/29/2005	EXAMINER	
WHITE & CASE LLP PATENT DEPARTMENT 1155 AVENUE OF THE AMERICAS NEW YORK, NY 10036			PICO, ERIC E	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/622,858	Applicant(s) BASS ET AL.	
	Examiner Eric Pico	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/02/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "22" and "51" have both been used to designate the counterweight guide rail in Figure 8 also reference characters "30" and "31" have both been used to designate motor drive in Paragraph [0045], Lines 8-9 and in Paragraph [0046], Lines 12-13. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "87" has been used to designate both lower bolsters and counterweight assembly. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37

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CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15 and 16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear if the first motor drive and second motor drive stated in claim 15 can be the same motor drive due to claim 16. Furthermore claim 16 does not limit the independent claim 15 by stating, "first and second motor drive are the same or different" due to the fact same or different covers all various motor drives. Claims 15 and 16 will be examined with the interpretation that the first and second motor drive can possibly be the same motor drive.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by White, Jr. (U.S. Patent# 3878916). White, Jr. discloses a work structure comprised of a pit channel module 20. White, Jr. further discloses a plurality of vertical modular guide rails 26, 28, 30, 32, and 34, one end of each guide rail attached to the pit channel module 20 and the other end connectable in an end-to-end manner with additional guide rails or a header module. White, Jr. shows one preselected modular guide rail 34 having a plurality of holes linearly aligned along its longitudinal axis Figure 1A. White, Jr. also includes a platform 160 slidably coupled to the preselected guide rail 34 and connected to a motor drive 36 having a gear 39. White, Jr. discloses a gear 39 having teeth which are sized and configured to engage with the holes of the preselected guide rail Figure 1A, wherein operating the motor drive 36 causes the teeth of the gear to engage the holes of the preselected guide rail 34 and thereby raise or lower the platform along the vertical guide rails.

7. Regarding claim 2, White, Jr. further discloses the holes being formed in the preselected guide rail 34.

8. Regarding claim 3, White, Jr. further discloses a roller 216 as means for maintaining the gear in engagement with the holes of the preselected guide rail 34.

9. Regarding claim 4, White, Jr. further discloses the modular guide rails 26, 28, 30, 32, and 34 are elevator car guide rails.

10. Regarding claim 5, White, Jr. further discloses a modular elevator support structure comprised of a pit channel module 20. White, Jr. further discloses a header unit shown as a cathead sheave assembly. White, Jr. shows a plurality of vertical guide

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rails 26, 28, 30, 32, and 34, each guide rail comprising at least two end-to-end modular sections, where a lower end of each of a first subset of the plurality of guide rails 26, 28, 30, 32, and 34 is attached to the pit channel module 20, and another end of each of a second subset of the plurality of guide rails is attached to the header module. White, Jr. further discloses at least one preselected guide rail 34 having holes aligned along its longitudinal axis.

11. Regarding claim 6, White, Jr. further discloses a platform 160 slidably coupled to at least one guide rail and connected to a motor drive 36 having a gear 39, the gear 39 having teeth which are sized and configured to engage with the holes of the preselected guide rail 34, wherein operating the motor drive causes the teeth of the gear to engage the holes of the preselected guide rail and to thereby raise or lower the platform along the vertical guide rail.

12. Regarding claim 7, White, Jr. further discloses horizontally-oriented brackets 82 and 84 attached to at least two neighboring vertical guide rails.

13. Regarding claim 8, White, Jr. further discloses a support structure configured to support a traction elevator, and the plurality of vertical guide rails comprise at least two counterweight guide rails and at least two elevator car guide rails.

14. Regarding claim 9, White, Jr. further discloses the preselected guide rail 34 as a counterweight guide rail.

15. Regarding claim 10, White, Jr. further discloses the preselected guide rail 34 as an elevator car guide rail.

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16. Regarding claim 11, White, Jr. further discloses the holes being formed in the preselected guide rail 34.

17. Regarding claim 12, White, Jr. further discloses a roller 216 as means for maintaining the gear in engagement with the holes of the preselected guide rail 34.

18. Regarding claim 13, White, Jr. further discloses a method of erecting an elevator support structure 10 for a traction elevator system comprising the steps of providing a pit channel module 20 on a foundation 18. White, Jr. further provides a plurality of modular guide rail sections 26, 28, 30, 32, 34, each guide rail section having two ends; connecting the first end of each of a preselected number of guide rail sections to the pit channel module 20 to form a first level of guide rail sections 22, the second end of each of the predetermined number of guide rail sections being connectable in an end-to-end manner with additional guide rail sections Figures 3, 3A, 3B, 3C, wherein at least one preselected guide rail section 34 of the first level has a plurality of holes aligned along its longitudinal axis. White, Jr. also provides a slidably coupling a platform 160 to at least one guide rail section 30, 32, and 34, Figures 6 and 7, and connecting the platform 160 to a motor drive 36 having a gear 39, the gear 39 sized and configured to engage with the holes of the preselected guide rail section 34 Figure 1A. White, Jr. shows a method for operating the motor drive to engage the holes of the preselected guide rail section and thereby causing the platform 160 to be raised or lowered along the guide rail section 30, 32, 34. White, Jr. further describes the installation of a header module or additional guide rail sections to form an additional level of guide rail sections Figures 3, 3A, 3B, 3C, Columns 18-20, Lines 51-3.

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19. Regarding claim 14, White, Jr. further discloses the additional level of guide rail sections 16 comprises at least one additional preselected rail section 34 having holes for progressively raising the platform for installation of at least one subsequent level of guide rails or the header module Figures 3, 3A, 3B, 3C, Columns 18-20, Lines 51-3.

20. Regarding claim 15, White, Jr. further discloses a method of erecting a rope-driven elevator system comprising the steps of providing a pit channel module 20 on a foundation 18. White, Jr. further provides a plurality of modular guide rail sections 26, 28, 30, 32, 34, each guide rail section having two ends. White, Jr. shows a method of connecting the first end of the plurality of guide rail sections to the pit channel module 20 to form a first level of guide rail sections 22, the second end of each of the guide rail sections being connectable in an end-to-end manner with additional guide rail sections Figures 3, 3A, 3B, 3C, wherein at least one preselected guide rail section 34 of the first level has a plurality of holes aligned along its longitudinal axis. White, Jr. also provides a slidably coupling a platform 160 to at least one guide rail section, and connecting the platform 160 to a first motor drive 36 having a gear 39, the gear 39 sized and configured to engage with the holes of the preselected guide rail section 34. White, Jr. shows a method for operating the first motor drive 36 to engage the holes of the preselected guide rail section 34 and thereby causing the platform 160 to be raised or lowered along the guide rail section 30, 32, 34. White, Jr. further discloses a method installing at least one additional level of guide rail sections and the header module to form an elevator support structure Figures 3, 3A, 3B, 3C, Columns 18-20, Lines 51-3. White, Jr. also shows a method securing a second motor drive 36 to the elevator support structure, the

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second motor drive 36 having a support rope-engagement drive member. White, Jr. shows the installation of an elevator car 12, an elevator support rope 40 and 42 and an elevator counterweight 14 in the elevator support structure in an operably linked manner with the support rope-engagement member such that the car and counterweight are vertically displaceable within the elevator support structure by operation of the second motor drive 36.

21. Regarding claim 16, White, Jr. further discloses first motor drive 36 and the second motor 36 drive being the same.

22. Regarding claim 17, White, Jr. further discloses a roller 216 as means for maintaining the gear in engagement with the holes of the preselected guide rail section 34 during installation.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shohet (U.S. Patent# 3924710), Holland (U.S. Patent# 3313376), Bundo (U.S. Patent# 5558181) Olsen et al. (U.S. Patent# 5020641).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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